

REMARKS

Claims 1-10 and 29-39 were examined in the Office Action mailed May 3, 2005, following withdrawal of claims 11-28 and 39-56 pursuant to the Election/Restriction Requirement of January 14, 2005.

The Applicants wish to express their gratitude for the Examiner's indication that claims 4-6, 10, 32-34 and 38 contain patentable subject matter.

Claims 1-3, 7-9, 29-11 and 35-37 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2003/005/0005746 Iwazaki, *et al.* ("Iwazaki").

The Applicants have carefully reviewed the May 3, 2005 Office Action. In order to more clearly recite the features of the present invention, the Applicants have canceled claims 1-56, without prejudice to the subject matter therein, and added new claims 57-88. Independent claim 57 is based on previous claim 29, with dependent claim groups 58, 59-60, 61-63, 64-72 and 73-88 each adding features to the preceding groups' claims.

The Claims Are Patentable Over Iwazaki. The Applicants respectfully traverse the § 102(e) rejections based on Iwazaki, on the grounds that this reference fails to disclose all the features of the present invention recited in the pending claims.

Iwazaki is cited as disclosing an oxygen sensor with a temperature sensitive region which can be actuated to carry out a temperature measurement. May 3, 2005 Office Action at 3. Review of this portion of Iwazaki cited as support for this assertion, however, reveals that the Iwazaki only discloses temperature

sensing during system diagnosis to determine whether the *oxygen sensor* is malfunctioning (such as an “abnormality of the oxygen sensor owing to a fracture of the detector”), and *only the temperature of the oxygen sensor* is detected as part of the diagnosis procedure. Iwazaki at ¶ [0033] (“The controller detects a temperature of the detector and inhibits the detection signal of the oxygen sensor from being used for determining the abnormality of the oxygen sensor when the detected temperature is lower than an activating temperature of the detector.” (emphasis added)).

In contrast, claim 57 recites, *inter alia*, an apparatus for monitoring the performance of an *exhaust-gas catalytic converter*, wherein an oxygen sensor detects an oxygen partial pressure of the *exhaust gas* and a temperature of the *exhaust gas*. With this information, the condition of the catalytic converter (not the sensor) can be assessed (e.g., oxygen storage capacity of the catalyst from the exhaust gas oxygen partial pressure; light-off temperature of the catalyst from the *exhaust gas* temperature).

Because Iwazaki discloses only diagnosis of *oxygen sensor* abnormalities, including only detection of *sensor* temperature, and fails to disclose or suggest the present invention’s detection of *exhaust gas* properties to determine catalytic converter condition, this reference fails to anticipate or otherwise render unpatentable claim 57 and its dependent claims 58-88. Accordingly, reconsideration and withdrawal of the pending § 102(e) rejection is respectfully requested.

CONCLUSION

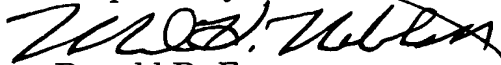
In view of the foregoing amendments and remarks, the Applicants respectfully submit that claims 57-88 are in condition for allowance, and request issuance of a Notice of Allowance for these claims.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.52838US).

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